

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

LUIS BARRAZA-RICHARD MORALES,)	
)	
Plaintiff,)	
)	
v.)	No. 1:05CV200 FRB
)	
DR. GLENN BABICH, et al.,)	
)	
Defendants.)	

ORDER

Presently pending before the Court is Luis Barraza-Richard Morales' Motion for Appointment of Counsel (filed November 3, 2005/Docket No. 4). The matter was assigned to and is pending before the undersigned United States Magistrate Judge pursuant to Rule 2.08(A) of the Local Rules of this Court.

Plaintiff brings this civil rights action pursuant to 42 U.S.C. § 1983 after being granted leave to proceed in the cause in forma pauperis. Plaintiff now seeks the appointment of counsel to assist him with his claims. In deciding whether to appoint counsel for an indigent plaintiff, the Court should consider relevant factors, including the factual complexity of the case, the ability of the indigent to investigate the facts, the existence of conflicting testimony, and the ability of the indigent to present his claim. Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998); Edgington v. Missouri Dep't of Corrections, 52 F.3d 777, 780 (8th

Cir. 1995); Abdullah v. Gunter, 949 F.2d 1032, 1035 (8th Cir. 1991) (citing Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986)).

The facts of this case are not complex. Plaintiff alleges that while incarcerated at Southeast Correctional Center, he was denied adequate and timely medical treatment on separate occasions for a spider bite and for a hernia, and that such inadequate and untimely treatment caused him injury. Further, a reading of plaintiff's Complaint shows him able to investigate crucial facts. Plaintiff has identified the persons allegedly responsible for his injuries and has provided specific details of the events giving rise to his claims, including the dates upon which such events occurred. As to whether conflicting testimony exists in this case, the undersigned notes that the case is in its preliminary stage and the time for filing motions for summary judgment has not yet been set. Therefore, evidence relating to plaintiff's claims has not yet been developed before the Court for consideration. If and when any such motions are filed, the determination of whether conflicting testimony exists in this case will be evident upon their ruling.

Because the factual nature of this case is not complex and plaintiff has provided the Court with details giving rise to his claims, the undersigned finds plaintiff able to adequately present his claims to the Court.

Therefore, for all of the foregoing reasons,

IT IS HEREBY ORDERED that plaintiff's Motion for Appointment of Counsel (Docket No. 4) is denied without prejudice.


UNITED STATES MAGISTRATE JUDGE

Dated this 7th day of April, 2006.